

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

**[California Constitution Article I § 3; Cal.
Gov't Code §§ 6250, *et seq.*]**

1 **INTRODUCTION**

2 1. This is a petition to enforce the California Public Records Act (“CPRA”) against
3 Respondent and Defendant (“Respondent”) the City of Los Angeles (“the City”). Petitioner and
4 Plaintiff (“Petitioner”) Adrian Riskin, a local professor and open-records activist, submitted a
5 request to Respondent for historical Los Angeles Police Department (“LAPD”) photographs held in
6 the City Archives. The records Petitioner requested are easy to identify and subject to mandatory
7 disclosure under the CPRA. Indeed, the City previously allowed other members of the public to
8 inspect and copy these exact photographs in order for those parties to exhibit the photos in a private
9 art gallery, display them in a book published for profit, and charge hundreds of dollars for
10 individual prints of the photos. By so doing, the City waived any possible exemptions to disclosure
11 that may arguably have applied to these photographs. Nevertheless, the City has flatly refused to
12 allow Petitioner to access these public records. Respondent has thereby violated the CPRA and the
13 California Constitution.

14 2. The LAPD archive photographs at issue in this case are of immense historical and
15 educational value. By only selectively allowing their release, the City has predicated the public’s
16 access to these photos on the ability to pay a private party for the privilege of viewing them.
17 Scholarly and educational access to this historical information is frustrated by the City’s flagrant
18 violation of the CPRA. By this Petition and Complaint (“Petition”) and pursuant to the Code of
19 Civil Procedure §§ 1060 and 1085, Civil Code § 3422, and Government Code §§ 6250, *et seq.*,¹
20 Petitioner respectfully requests from this Court (1) a writ of mandate to command Respondent to
21 disclose all non-exempt information Petitioner requested and thereby comply with the CPRA; (2) a
22 declaration that Respondent’s withholding of these public records violates the CPRA; and (3) a
23 permanent injunction enjoining Respondent from continuing its pattern and practice of denying
24 access to public records in violation of the CPRA.

25 **JURISDICTION AND VENUE**

26 3. This Court has jurisdiction over this matter under Gov’t Code §§ 6258, 6259, Code
27 of Civ. Proc. § 1085, and Article VI, Section 10 of the California Constitution.

28 _____
¹ Unless otherwise stated, all references to code sections are to the California Government Code.

4. Venue is proper in this Court. The records in question, or some portion of them, are situated in the County of Los Angeles, Gov't Code § 6259; the acts or omissions complained of occurred in the County of Los Angeles, Code of Civ. Proc. § 393; and Respondent is located in the County of Los Angeles, Code of Civ. Proc. § 395.

PARTIES

5. Petitioner Adrian Riskin is a resident of Los Angeles. He holds a PhD in mathematics, works as a mathematics professor at a local college, and is an open records activist. Dr. Riskin utilizes public records requests to investigate and understand the activities of the Los Angeles City government. He publicizes his findings to the public through blogging and community events. Information that Dr. Riskin has discovered via CPRA requests has assisted the media, academic researchers, and the public at large in understanding local government in Los Angeles. For example, the Los Angeles Times recently quoted Dr. Riskin regarding the City's politicized response to homelessness; the newspaper used records that Dr. Riskin uncovered through CPRA requests to confront Mayor Garcetti's office regarding its directive to sweep a homeless encampment in order to make way for a planned political event.² As another example, public records that Dr. Riskin received from CPRA requests exposed collaboration between a Los Angeles Unified School Board Member and the California Charter School Association, an issue widely covered by the Los Angeles Times and other media outlets.³ Dr. Riskin's research regarding the thwarted formulation of a Skid Row Neighborhood Council, uncovered largely through public records requests, was recently featured as part of an exhibit at the Los Angeles Poverty Department Museum. Documentary filmmakers have used records Dr. Riskin uncovered to inform their ongoing production of a film on the Greater West Hollywood Food Coalition and the Hollywood Media District Business Improvement District. Additionally, Dr. Riskin has empowered the public to use the CPRA effectively for both research and civic activism by publishing a guide to the practical use

² Emily Alpert Reyes, Benjamin Oreskes, and Dough Smith, “L.A. is swamped with 311 complaints over homeless camps. But are the cleanups pointless?” Los Angeles Times (Jun. 7, 2019) *available at* <http://www.latimes.com/local/lanow/la-me-ln-homeless-cleanups-accelerate-20190607-htmlstory.html>.

³ See, e.g., Howard Blume, “L.A. charter schools’ plans: Take back mayor’s office, sue district, battle teachers union,” *Los Angeles Times* (Jul. 2, 2019) available at <https://www.latimes.com/local/lanow/la-me-edu-secret-plan-for-charters-20190702-story.html>.

1 of the CPRA in the City of Los Angeles. Dr. Riskin is a member of the public within the meaning of
2 §§ 6252(b)-(c).

3 6. Respondent City of Los Angeles is a local public agency within the meaning of
4 § 6252(a), (d).

5 **FACTUAL ALLEGATIONS**

6 **The City previously allowed members of the public to access historical LAPD photographs in** 7 **order for them to utilize the photos for private commercial use**

8 7. Petitioner is informed and believes, and on that basis alleges, that the City previously
9 disclosed all the LAPD photographs in its archives to at least three members of the public.

10 8. In 2001, Merrick Morton (a photographer and co-owner of a private gallery called
11 Fototeka), Robin Blackman (co-owner of Fototeka), and Tim B. Wride (associate curator of
12 photography at the Los Angeles County Museum of Art) requested access to LAPD's photo archive.
13 The three desired to access the photos so they could display some of them at an exhibition they
14 were planning for their private gallery.

15 9. The City granted this request. Mr. Morton, Ms. Blackman, and Mr. Wride were all
16 given full access to LAPD's photo archives. The City also permitted them to make copies of the
17 photos.

18 10. These three individuals displayed the LAPD photos at a Fototeka exhibition titled
19 "To Protect and Serve: The LAPD Archives." Mr. Morton and Ms. Blackman created and organized
20 the exhibition, and Mr. Wride served as co-curator. Since its debut at Fototeka in 2001, the LAPD
21 Archives exhibition has had at least eight other showings around the world; its most recent showing
22 took place in the summer of 2019.

23 11. Fototeka continues to sell prints from the LAPD Archive collection. They charge
24 between \$450 and \$950 for individual prints of these photos.

25 12. In 2004, many of the LAPD photos were also published in a book titled "Scene Of
26 the Crime – Photographs from the LAPD Archive." Mr. Wride, as well as author James Ellroy,
27 were involved in the book's publication.
28

1 **The City denied Petitioner all access to these same historical LAPD photographs**

2 13. On October 28, 2019, Petitioner submitted a CPRA request to Respondent through
3 its NextRequest portal designated for public record requests. Petitioner requested access to the same
4 LAPD photographs held in the City Archives that the City previously allowed Mr. Morton, Ms.
5 Blackman, and Mr. Wride to access. In order to help describe the records, Petitioner provided a link
6 to an article published on the Fototeka website that describes how the City gave Fototeka access to
7 the LAPD archive photos. *A true and correct copy of the NextRequest display, which Petitioner*
8 *downloaded from the NextRequest website on November 27, 2019, is attached as Exhibit A. A true*
9 *and correct copy of the Fototeka article that Petitioner referenced in his request, which Petitioner*
10 *downloaded on November 27, 2019, is attached as Exhibit B.*

11 14. On November 5, 2019, the City issued a response via the NextRequest portal. The
12 City stated that the records Petitioner requested “are investigative records or properly part of an
13 investigatory file” and therefore exempt from disclosure under § 6254(f). The City concluded,
14 “[W]e are denying your request.” *Exh. A.* The City then “closed” Petitioner’s request. *Id.*

15 15. Rather than proceeding directly to litigation, Petitioner responded to the City that
16 same day using the NextRequest portal. Petitioner explained that the City had already released his
17 requested records to other members of the public, meaning that “all exemptions are waived” under
18 the CPRA. *Id.* Petitioner requested that the City reopen his request and allow him to access the
19 photographs. He also requested that the City consult with the City Attorney regarding the waiver
20 provisions of the CPRA if necessary. Petitioner stated that, if the City did not agree to release the
21 requested material by November 15, 2019, that he would interpret that as an explicit denial of his
22 request and proceed accordingly. *Id.* The City did not respond to Petitioner’s NextRequest message.
23 *Id.*

24 16. In an attempt to induce the City to comply with the law, Petitioner also sent an email
25 that day directly to the Los Angeles City Attorney’s office regarding the City’s unlawful denial of
26 his request. Petitioner sent the email to Bethelwel Wilson and Frank Mateljan, both employees of
27 the City Attorney’s Office. *A true and correct copy of Petitioner’s November 5, 2019 email*
28 *conversation with Mr. Wilson is attached as Exhibit C.*

17. Mr. Wilson responded to Petitioner that same day, stating that he does not advise LAPD. Instead, Mr. Wilson stated that he notified the general counsel for LAPD of Petitioner's message. *Exh. C*. Petitioner replied asking Mr. Wilson who the general counsel was so that he could communicate with that person directly. *Id.* Mr. Wilson told Petitioner that he could contact Carlos De La Guerra. *Id.*

18. Petitioner immediately sent an email to Mr. De La Guerra, again explaining that the City had unlawfully denied his public records request and asking to meet and confer regarding the denial. Petitioner also cc'd Mr. Wilson and Mr. Mateljan on this email. Mr. De La Guerra, nor anyone else with the City, ever responded to Petitioner's message. *A true and correct copy of Petitioner's November 5, 2019 email to Mr. De La Guerra is attached as Exhibit D.*

19. In the approximately two months since Petitioner's attempts to induce the City to comply with the CPRA, the City—both through its NextRequest portal and through LAPD's General Counsel—has ignored Petitioner entirely. The City disregarded Petitioner's waiver arguments and failed to provide any lawful justification for its denial of his request. Although the City previously provided the exact same photographs that Petitioner requested to other members of the public for their commercial gain, the City continues to withhold all access to those photographs by Petitioner. Respondent has manifestly violated the CPRA.

FIRST CAUSE OF ACTION:
VIOLATION OF THE CALIFORNIA CONSTITUTION ARTICLE 1, § 3(b)

20. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 19 above, as if set forth in full.

21. The California Constitution provides an independent right of access to government records: “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” Cal. Constitution, Art. 1 § 3(b)(1). This provision was adopted by the voters in 2004 because, as the ballot argument supporting the measure states, when Californians asked questions of their government, they increasingly found “that answers are hard to get.” The constitutional provision is intended to reverse that trend.

22. The City's failure to provide records in response to Petitioner's public records request violates Article 1, Section 3(b) of the California Constitution.

SECOND CAUSE OF ACTION:
PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT,
GOV'T CODE §§ 6250, et seq.

23. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 22 above, as if set forth in full.

General principles of the California Public Records Act

24. Under the California Public Records Act, §§ 6250 *et seq.*, all records that are prepared, owned, used, or retained by any public agency and that are not subject to the CPRA's statutory exemptions to disclosure must be made publicly available for inspection and copying upon request. §§ 6253(a)-(b).

25. The law requires that agencies make non-exempt public records available to requestors “promptly.” § 6253(b). It is unlawful for an agency “to delay or obstruct the inspection of public records.” § 6253(d).

26. Where an agency withholds responsive records on the basis of a statutory exemption, “the agency . . . must disclose that fact.” *Haynie v. Super. Ct.* 26 Cal. 4th 1061, 1072 (2001) (citing § 6255). Even if portions of a document are exempt from disclosure, the agency must disclose the remainder of the document. § 6253(a).

27. If an agency “discloses a public record that is otherwise exempt . . . to a member of the public, this disclosure shall constitute a waiver of the exemption. . .” § 6254.5. This prevents agencies from “selectively disclosing the records to one member of the public but not others.” *Ardon v. City of Los Angeles*, 62 Cal.4th 1176, 1183 (2016).

28. Importantly, the agency bears the burden of justifying nondisclosure. § 6255(a). In determining whether exemptions apply, courts must follow the constitutional imperative that the applicability of exemptions must be construed narrowly and that the people's right of access to public information must be construed broadly. Cal. Constitution, Art. I, § 3(b)(2).

29. The CPRA also requires the government to “assist the member of the public [to]

1 make a focused and effective request that reasonably describes an identifiable record or records” by
2 taking steps to “[a]ssist the member of the public to identify records and information that are
3 responsive to the request or to the purpose of the request, if stated.” § 6253.1. An agency that
4 receives a request must also “[p]rovide suggestions for overcoming any practical basis for denying
5 access to the records or information sought.” *Id.*

6 30. Whenever it is made to appear by verified petition to the Superior Court of the
7 county where the records are situated that certain public records are being improperly withheld from
8 a member of the public, the Court shall order the officer or person charged with withholding the
9 records to disclose the public record or show cause why they should not do so. The Court shall
10 decide the case after examining the record in camera (if permitted by the Evidence Code), papers
11 filed by the parties, and any oral argument and additional evidence as the Court may allow.
12 § 6259(a). If the Court finds that the failure to disclose is not justified, it shall order the public
13 official to make the record public. § 6259(b).

14 31. A petitioner prevails under the CPRA where the petitioner shows that an agency
15 unlawfully denied access to records. *Community Youth Athletic Center v. City of National City*, 220
16 Cal.App.4th 1385, 1446-1447 (2013).

17 32. An agency is not protected from liability merely because the denial of access was
18 due to the agency’s internal logistical problems or general neglect of its duties. *Id.*

19 33. Public policy favors judicial enforcement of the CPRA. As such, the CPRA contains
20 a mandatory attorney’s fee provision for the prevailing plaintiff. § 6259(d). The purpose of the
21 provision is to provide “protections and incentives for members of the public to seek judicial
22 enforcement of their right to inspect public records subject to disclosure.” *Filarsky v. Super. Ct.*, 28
23 Cal.4th 419, 427 (2002).

24 **Respondent unlawfully denied access to all of Petitioner’s requested public records**

25 34. Petitioner submitted a request for easily identifiable public records that the City
26 previously disclosed to other members of the public. Respondent denied Petitioner all access to
27 these records, thereby violating the CPRA.

28 35. Petitioner maintains that many of the photographs contained in the LAPD archives

1 are not investigatory records exempt from disclosure under § 6254(f) as the City claims. However,
2 even assuming, *arguendo*, that all these photographs could be considered exempt under § 6254(f),
3 the City has clearly waived that exemption by disclosing those records to other members of the
4 public. § 6254.5.

5 36. Section 6254.5 states that if a public agency “discloses a public record that is
6 otherwise exempt . . . to a member of the public, this disclosure shall constitute a waiver of the
7 exemptions . . .” The statute’s legislative history shows that the provision was intended to codify the
8 holding in *Black Panther Party v. Kehoe*, 42 Cal.App.3d 645 (1974) (“*Kehoe*”), that selective
9 disclosure and withholding is not permissible under the CPRA. *See Newark Unified School Dist. v.*
10 *Superior Court*, 245 Cal.App.4th 887, 902 (2015) (“*Newark*”) (“[*Kehoe*] is the ruling section 6254.5
11 was intended to codify.”).

12 37. In *Kehoe*, the plaintiffs filed CPRA requests with the state agency in charge of
13 licensing debt collection businesses, seeking copies of citizen complaints regarding those
14 businesses. The agency regularly disclosed the complaints to the businesses themselves; however,
15 just as in the present case, the agency in *Kehoe* refused to allow plaintiffs to access the complaints,
16 arguing that they were investigatory records exempt from disclosure under § 6254(f). Although the
17 Court of Appeal agreed that the complaints did fall under § 6254(f), the Court still ordered that the
18 agency disclose the documents to plaintiffs because it found that the agency waived the exemption
19 when it released the complaints to the businesses. The Court explained:

20 [P]ublic officials may not favor one citizen with disclosures denied to another. . . .
21 [R]ecords are completely public or completely confidential. The [CPRA] denies
22 public officials any power to pick and choose the recipients of disclosure. When
23 defendants elect to supply copies of complaints to collection agencies, the
complaints become public records available for public inspection.

24 *Kehoe*, 42 Cal.App.3d at 656-57.

25 38. In the same vein, “[t]he Legislature’s purpose in enacting section 6254.5 . . . was to
26 prevent government officials from manipulating the [CPRA] exemptions by asserting them against
27 some members of the public while waiving them as to others. The statute, in essence, was intended
28 to require agencies to maintain an applicable exemption as to all members of the public or not at

1 all.” *Newark*, 245 Cal.App.4th at 903.

2 39. Here, the City clearly allowed other members of the public to access the photos in
3 the LAPD archives. In so doing, the City waived any exemptions that may have otherwise applied
4 to the photos, including the investigatory records exemption at § 6254(f). Nevertheless, the City has
5 refused to allow Petitioner to benefit from the same access to these public records. By unlawfully
6 opting for “selective disclosure” and continuing to withhold these photographs from Petitioner, the
7 City has plainly violated the CPRA. *Ardon*, 62 Cal.4th at 1183.

8 40. Respondent’s refusal to disclose these records to Petitioner not only violates the
9 letter of the CPRA, but also its spirit. The effect of the City’s selective disclosure is to allow private
10 gallery owners to utilize these public records for profit, but to deny all access to other members of
11 the public. As such, in order to inspect these public records, members of the public must either
12 attend an exhibition at a private gallery, purchase a privately published book, or pay a minimum of
13 \$450 per photo to a private actor. The City’s actions have taken public records with immense
14 historical and scholarly value and predicated the public’s access to them on the ability to pay top
15 dollar to a private entity. This favoritism will persist absent judicial intervention.

16 **A WRIT OF MANDATE AND DECLARATORY AND INJUNCTIVE RELIEF ARE**
17 **APPROPRIATE**

18 41. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 40
19 above, as if set forth in full.

20 42. Petitioner is entitled to seek a writ of mandate, declaratory relief, and injunctive
21 relief in response to violation of the CPRA. § 6258. Petitioner has no plain, speedy, adequate
22 remedy in the ordinary course of law other than the relief sought in this petition. *See* Code of Civil
23 Procedure § 1086.31.

24 43. Respondent has a clear, present, ministerial duty to comply with Gov’t Code
25 §§ 6250, *et seq.* Respondent has repeatedly acted and continues to act in violation of the CPRA by
26 denying access to public information through unlawful use of exemptions, impermissible delay,
27 non-responsiveness, and failing to release disclosable records to the public. §§ 6253(b), 6253(d),
28 6254.5.

1 44. Petitioner has performed all conditions precedent to filing this petition. There are no
2 administrative exhaustion requirements under Government Code §§ 6250, *et seq.*

3 45. An actual controversy exists between the parties concerning whether Respondent has
4 engaged in conduct that violates the statutory requirements of the CPRA. A judicial determination
5 to resolve this actual controversy is necessary and appropriate at this time.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioner prays for judgment as follows:

- 8 1. For issuance of a writ of mandate directing Respondent to allow Petitioner to access all
9 requested records, except those records that the Court determines may lawfully be
10 withheld;
11 2. For a declaration that Respondent's conduct denying access to public records violates
12 the CPRA and that Petitioner's requested records are disclosable;
13 3. For a permanent injunction enjoining Respondent, its agents, employees, officers, and
14 representatives from continuing its existing practice of violating the requirements of
15 the CPRA;
16 4. For Petitioner to be awarded reasonable attorney's fees and costs; and
17 5. For such other and further relief as the Court deems proper and just.

18
19 Dated: December 31, 2019

Respectfully submitted,

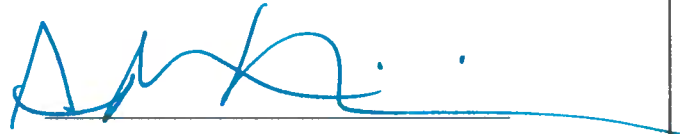
20
21 

22 ANNA VON HERRMANN
23 Attorney for Petitioner and Plaintiff
24
25
26
27
28

VERIFICATION

I, ADRIAN RISKIN, am the Petitioner and Plaintiff in this action. I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, and I know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and, as to those matters, I also believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this the 1 day of January ~~2019~~ 2020 in Staunton, Virginia.



ADRIAN RISKIN
Petitioner and Plaintiff

INDEX OF EXHIBITS

EXHIBIT A: True and correct copy of Respondent's NextRequest display for Petitioner's request, which Petitioner downloaded on November 27, 2019

EXHIBIT B: True and correct copy of the article that Petitioner referenced in his CPRA request, which Petitioner downloaded on November 27, 2019

EXHIBIT C: True and correct copy of the November 5, 2019 email conversation between Petitioner and Bethelwel Wilson

EXHIBIT D: True and correct copy of Petitioner's November 5, 2019 email to Carlos De La Guerra

EXHIBIT A

< Request #19-6258 >

☒ CLOSED

Need to see all LAPD crime scene photos held in City Archives per this article:

<http://www.fototeka.com/lapd/index.html>

which says there are:





countless boxes tightly packed with everyday dimestore #10 white letter envelopes, sealed and cut in half to make a convenient open-ended pouch, each containing the forensic negatives for a single case. On most of the envelopes is a hand-written "Division of Report", or DR, number. The DR number uniquely identifies each case and often appears hand-written directly on the negatives. The name or initials of the photographer can also be seen on many of the negatives.

The earliest photographs in the collection date to 1925. The film used was large-format (4"x5") cellulose nitrate until sometime in the early forties when it was replaced with safety film. In the early sixties, the size changed to medium-format (2-1/4"x2-1/4") which was used until the mid-seventies when it was, in turn, replaced with 35mm.

[Read less](#)

Received **October 28, 2019** via web

Departments **Police Department (LAPD)**

Requester **Woffon Theci**
 woffontheci@proinbox.com
 1422 N Vermont Avenue Ste. 28, Los Angeles, CA 90027
 213-332-3124
 Woffon Theci LLC

Documents

Public (none)

Requester (none)

Staff

Point of Contact **LAPD Analyst Charles N3774**



 External Message [Hide](#)

Requester + Staff

Thanks for your response. These records were already released to members of the public. Therefore all exemptions were waived. Please reopen this request and make arrangements for me to inspect these records. Please consult with the city attorney on this if you don't understand my claim. If I don't hear from you by November 15 with an agreement to release this material I will take that as an explicit denial of access and proceed accordingly.

November 5, 2019, 3:29pm by the requester

 Request Published

Public

November 5, 2019, 2:25pm

 Request Closed [Hide](#)

Public

Dear **Requester**:

We reviewed your request for crime scene photos.

Your request was made under the California Public Records Act (the Act). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

In accordance with Section 6254(f) of the California Government Code, records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure. The records you seek, including crime scene photos, are investigative records or properly part of an investigatory file; therefore, we are denying your request. **Should any records be located, they *may* be available in response to a subpoena or court order.**

If you have any questions, please respond to this email.

Respectfully,

LAPD Discovery Section, CPRA Unit

November 5, 2019, 2:24pm

 Department Assignment

Public

Police Department (LAPD)

October 28, 2019, 4:05pm

 Request Opened

Public

Request received via web

October 28, 2019, 4:05pm

EXHIBIT B

L.A.P.D Archives

the fototeka collection



The City Records Center in downtown Los Angeles is an immense repository where 150 years' worth of city documents is held. Amid the 47,500 square feet of cardboard crates filled with paperwork and other bureaucratic detritus lies a vast collection of photographs taken by Los Angeles police officers and criminologists. Many of these images come from the *Scientific Investigation Division*, the nation's oldest crime lab, which was established in the 1920s. It is estimated that there are over one million images in storage.

In 2001, a convergence of interests brought Merrick Morton, a photographer and LAPD reserve officer, together with the adjutant to Chief of Police Bernard C. Parks, Lieutenant John Thomas, who has researched and written articles on LAPD history. Morton had been searching for LAPD photographs for an exhibition he was planning at Fototeka, the gallery he owned with his wife, Robin Blackman. After searching the Los Angeles Police Historical Society's collection and not finding what he was looking for, he approached Lt. Thomas to help him gain access to the records department, where he was convinced he would find the sought-after images. Thomas brought Morton's request to Parks, who was happy to oblige.

Morton, Blackman, and Thomas, along with Tim B. Wride, associate curator of photography at the Los Angeles County Museum of Art and co-curator of the Fototeka show, were given unprecedented access to this immense archive of photographs. Along the way, they found themselves in the position to preserve an important piece of Los Angeles history. When it was discovered that some of the boxes contained decomposing cellulose nitrate negatives, a serious fire hazard, the Fire Department recommended that all the negatives be destroyed. The team lobbied for the archive to be only selectively destroyed and their efforts paid off; some boxes of images were determined to be unsalvageable and destroyed, while the remaining images were sent to a cold storage facility where they reside today.

This catalog is the result of hundreds of hours of sifting through countless boxes tightly packed with everyday dimestore #10 white letter envelopes, sealed and cut in half to make a convenient open-ended pouch, each containing the forensic negatives for a single case. On most of the envelopes is a hand-written "Division of Report", or DR, number. The DR number uniquely identifies each case and often appears hand-written directly on the negatives. The name or initials of the photographer can also be seen on many of the negatives.

The earliest photographs in the collection date to 1925. The film used was large-format (4"x5") cellulose nitrate until sometime in the early forties when it was replaced with safety film. In the early sixties, the size changed to medium-format (2-1/4"x2-1/4") which was used until the mid-seventies when it was, in turn, replaced with 35mm.



EXHIBIT C

Subject: Re: CPRA request to LAPD
From: adrian@123mail.org
Date: 11/5/19, 4:56 PM
To: "Bethelwel Wilson" <bethelwel.wilson@lacity.org>
CC: "Frank Mateljan" <frank.mateljan@lacity.org>

Great, thank you.

On Tue, Nov 5, 2019, at 4:56 PM, Bethelwel Wilson wrote:

You can contact De La Guerra.

On Tue, Nov 5, 2019 at 4:45 PM <adrian@123mail.org> wrote:

Thanks. Can you let me know who that is so that I can make a direct offer to discuss it with them. De La Guerra, Raffish, Bislig, other?

On Tue, Nov 5, 2019, at 4:41 PM, Bethelwel Wilson wrote:

Hello Mr. Riskin,

I do not advise LAPD so I cannot advise them on the decision they rendered with respect to your request. I have made the general counsel for LAPD aware of your objection.

On Tue, Nov 5, 2019 at 3:36 PM <adrian@123mail.org> wrote:

Good afternoon, Mr Wilson, Mr Mateljan.

I'm am hoping you might save us all some time and trouble by reviewing this CPRA request, just now wrongly denied by LAPD via inapropos template.

<https://lacity.nextrequest.com/requests/19-6258#>

I explained the problem with the denial in a NextRequest message, as you can see.

Thanks!

Adrian

--

Bethelwel Wilson
Deputy City Attorney
General Counsel Division
Los Angeles City Attorney's Office

200 N. Main Street, 8th Floor
City Hall East, Mail Stop 140
Los Angeles, CA 90012
bethelwel.wilson@lacity.org



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Bethelwel Wilson
Deputy City Attorney

General Counsel Division
Los Angeles City Attorney's Office
200 N. Main Street, 8th Floor
City Hall East, Mail Stop 140
Los Angeles, CA 90012
bethelwel.wilson@lacity.org



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EXHIBIT D

Subject: Re: CPRA request to LAPD

From: adrian@123mail.org

Date: 11/5/19, 5:03 PM

To: CARLOS.DELAGUERRA@LACITY.ORG

CC: "Frank Mateljan" <frank.mateljan@lacity.org>, "Bethelwel Wilson" <bethelwel.wilson@lacity.org>

Good afternoon, Mr. De La Guerra,

I am hoping you or someone over there will be willing to meet and confer over this CPRA request, very clearly wrongfully denied by the assigned discovery analyst.

<https://lacity.nextrequest.com/requests/19-6258#>

Thanks,

Adrian

On Tue, Nov 5, 2019, at 4:56 PM, Bethelwel Wilson wrote:

You can contact De La Guerra.

On Tue, Nov 5, 2019 at 4:45 PM <adrian@123mail.org> wrote:

Thanks. Can you let me know who that is so that I can make a direct offer to discuss it with them. De La Guerra, Raffish, Bislig, other?

On Tue, Nov 5, 2019, at 4:41 PM, Bethelwel Wilson wrote:

Hello Mr. Riskin,

I do not advise LAPD so I cannot advise them on the decision they rendered with respect to your request. I have made the general counsel for LAPD aware of your objection.

On Tue, Nov 5, 2019 at 3:36 PM <adrian@123mail.org> wrote:

Good afternoon, Mr Wilson, Mr Mateljan.

I'm am hoping you might save us all some time and trouble by reviewing this CPRA request, just now wrongly denied by LAPD via inapropos template.

<https://lacity.nextrequest.com/requests/19-6258#>

I explained the problem with the denial in a NextRequest message, as you can see.

Thanks!

Adrian

--

Bethelwel Wilson

Deputy City Attorney
General Counsel Division
Los Angeles City Attorney's Office
200 N. Main Street, 8th Floor
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Los Angeles, CA 90012
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Bethelwel Wilson

Deputy City Attorney
General Counsel Division
Los Angeles City Attorney's Office
200 N. Main Street, 8th Floor
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